

REMARKS

Applicant cancels claim 3. This amendment advances prosecution and eliminates any possible confusion regarding the scope of dependent claim 3.

Double Patenting

The claims are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,475,360 in view of U.S. Patent No. 5,128,015 to Szuminsky.

Applicant would like to note that Szuminsky's disclosure is limited to an electrochemical cell and does not include measuring an analyte or a species representative of an analyte at a point on a reaction profile or measuring amperometrically a parameter representative of a diffusion coefficient of the analyte or the species representative of the analyte. The suggestion in Szuminsky, noted by the Examiner, that "the measurement system...eliminates several of the critical operator dependent variables that adversely affect the accuracy and reliability and provides for greater dynamic range than the other self-testing systems" does not remedy this failure. However, in the interest of advancing prosecution Applicant encloses a terminal disclaimer.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement (IDS) and relied on the parent application file to supply copies of the cited references. A copy of Japanese Patent Abstract 59-3345 was missing, and the Examiner could not initial its citation on the IDS. Applicant encloses a copy of this reference and respectfully requests that the Examiner initial the previously submitted IDS.

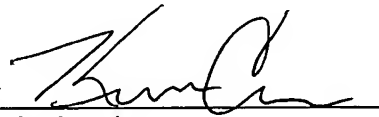
CONCLUSION

Applicant believes that that presently pending claims in this application are in immediate condition for allowance. However, should any issues remain, the Examiner is urged to telephone the undersigned Attorney for Applicant in the event that such communication is deemed to expedite allowance of this application.

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Respectfully submitted,

By



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